

Reasonable Assurance for School Employees

Hello, my name is Jennifer. I'd like to speak to you about "Reasonable Assurance" and how it may affect unemployment benefits in the state of Kansas. This topic applies to school employees and employees of educational service agencies. Reasonable Assurance is a provision that is required by federal law, and is addressed during a school break period. Let's start by defining who Reasonable Assurance affects.

For unemployment purposes, a school employee is a person who works for or provides services for an education institution or an educational service agency that contracts work to schools.

A school employee is any individual that is employed in administrative or instructional capacities. This encompasses bus drivers, bus aides, food service staff, building maintenance, substitute teachers, crossing guards, coaches, school nurses, teachers, and principals to name a few.

Now that you have a general idea of what the Kansas Department of Labor considers a school employee, let's focus on what "Reasonable Assurance" is. Reasonable Assurance is an agreement made by the employer that the employee will perform the same or similar services in the next term. This agreement can be written, verbal or implied, and does not have to be with the same school or educational service agency.

It is important to note that Reasonable Assurance is not a guarantee of employment in the next term. It is simply the intent of the employer to bring the employee back the next term.

The Department of Labor will consider several things when determining if Reasonable Assurance exists. These may include: the past employer/employee relationship; an established understanding that the employee will return to work; if the employee has placed their name on the list of available workers; whether the employee has reason to believe they will not be called back.

In the event employment is not available at the end of the break period, and the claimant was given reasonable assurance before the break the claimant may be eligible for retroactive payments.

Some of the eligibility requirements to receive retroactive payments include but are not limited to:

- Filing of weekly claims throughout the break period
- Remained available and physically able to work during the break
- Conducted weekly work searches during the break
- The claimant notifies the Department of Labor as soon as possible that it is clear the claimant will not be returning to work

If all of the eligibility requirements are not met, retroactive benefits may be denied. However, an application may be filed requesting benefits going forward from the application date.

Now that you have an idea of what "Reasonable Assurance" is and who it affects, let's discuss when a person should apply for unemployment benefits. It is important to apply as soon as possible; a claim is effective the same week that the application is filed. A person requesting unemployment insurance benefits should apply immediately when the job has ended or when the employer has reduced the work hours. An application cannot be completed until the job has ended or the hours available to work have been reduced.

You may start your claim online at www.getkansasbenefits.gov or by phone. If filing by phone, please note that business hours are Monday thru Friday from 8am-415pm, and due to high call volume, wait times on Mondays and Wednesdays may be longer.

I appreciate your time today and hope you found the information about Reasonable Assurance helpful.